

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARZEL FOSTER, III,

Plaintiff,

Case No. 14-cv-11437

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND  
RECOMMENDATION** (document no. 26), **GRANTING  
COMMISSIONER'S AMENDED MOTION FOR SUMMARY  
JUDGMENT** (document no. 23), **FINDING MOOT COMMISSIONER'S  
MOTION FOR SUMMARY JUDGMENT** (document no. 22), **DENYING FOSTER'S  
MOTION FOR SUMMARY JUDGMENT** (document no. 15), **AND DISMISSING CASE**

Arzel Lee Foster, III, applied for Supplemental Security Income ("SSI"). The Social Security Administration ("SSA") denied his application in an opinion issued by an Administrative Law Judge on November 12, 2013. See ALJ Decision, ECF No. 11-2. After the SSA Appeals Council declined to review the ALJ decision, Foster appealed to federal court. The Court referred the matter to a United States Magistrate Judge, and the parties filed cross motions for summary judgment. ECF Nos. 15, 22, 23. On April 23, 2015, the magistrate judge issued a Report and Recommendation ("Report") suggesting the Court grant the Commissioner's amended motion, find moot the Commissioner's first motion, deny Foster's motion, and dismiss the case. Report, ECF No. 26.

Under Civil Rule 72(b), each party had fourteen days from the date of service to file any written objections to the recommended disposition. Neither party has filed any objections. De novo review of the magistrate judge's findings is therefore not required. See Fed. R. Civ. P. 72(b)(2)–(3) (mandating de novo review only if the parties "serve and file

specific written objection to the proposed findings and recommendations”). The Court has reviewed the file and the Report, and finds that the magistrate judge’s analysis is proper. Accordingly, the Court adopts the Report’s findings and conclusions, and will enter an appropriate judgment.

**ORDER**

**WHEREFORE**, it is hereby **ORDERED** that the Magistrate Judge’s Report and Recommendation (document no. 26) is **ADOPTED**.

**IT IS FURTHER ORDERED** that the Commissioner’s Amended Motion for Summary Judgment (document no. 23) is **GRANTED**, and the Commissioner’s Motion for Summary Judgment (document no. 22) is **MOOT**.

**IT IS FURTHER ORDERED** that Foster’s Motion for Summary Judgment (document no. 15) is **DENIED**, and the case is **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: July 16, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 16, 2015, by electronic and/or ordinary mail.

s/Carol Cohron  
Case Manager